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**VIA FACSIMILE AND US MAIL**

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**Re: Perlmutter v. Reed Elsevier, Inc. D/B/A/ LEXISNEXIS**  
**Case No. 1:07-cv-1762**

Dear Brennan:

This letter follows our conversation this afternoon concerning the scheduling of depositions. We remain willing to work with you to identify mutually convenient dates. In that regard, both Mr. Perlmutter and counsel are available November 2 and November 5, 2007. These dates would permit the exchange of documents prior to any depositions.

As discussed, we believe it would be unfair to Mr. Perlmutter to subject him to examination with respect to documents he has not had the opportunity to review in advance. When I raised this concern in our conversation, you indicated that to be exactly your intention. Indeed, when I requested that you produce any relevant documents prior to taking Mr. Perlmutter's deposition, you refused. You further stated that you planned to notice the deposition for October 5, 2007, a date which you previously told me was problematic for your client (and which now conflicts with Mr. Monroe's plans).

We do not desire a discovery dispute over the timing of Mr. Perlmutter's deposition. However, we do not believe it appropriate to leave open the potential that he be "ambushed" by the use of documents which your client is obligated to produce and identify both pursuant to its Rule 26 mandatory disclosure obligation and our Rule 34 request for production. We are therefore requesting that you reconsider your position so as to avoid involvement of the court.

Yours Very Truly,

*Jaclyn C. Platten*  
JACLYN C. PLATTEN



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